

AN ORDINANCE **96581**

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF ONE (1) FEE SIMPLE TITLE OF PRIVATELY OWNED REAL PROPERTY CONTAINING 117.90 SQUARE FEET BEING OUT OF LOT 6, BLOCK 6, NEW CITY BLOCK 8902, SOUTH SAN ANTONIO SUBDIVISION, SAN ANTONIO, BEXAR COUNTY, TEXAS FOR A PUBLIC PURPOSE, NAMELY THE CONSTRUCTION OF FAY - PHASE I COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 5; AND AUTHORIZING THE CITY ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS.

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WHEREAS, the public health, safety and best interest of the City and its citizens require the construction of Fay-Phase I Community Development Block Grant (CDBG) Project; and

WHEREAS, it is necessary to construct said Project upon privately, owned property; and

WHEREAS, representatives of the City have been unable to enter into an agreement with the owner to purchase the property on suitable terms; **NOW THEREFORE**;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. A public necessity is hereby declared for the City of San Antonio to acquire fee simple title to certain privately owned real property for the construction, operation, reconstruction, improvement, repair and maintenance of the Fay-Phase I Community Development Block Grant (CDBG) Project. The necessary property is generally described as follows:

- a) 117.90 square feet (0.003 acre) being out of Lot 6, Block 6, New City Block 8902, South San Antonio Subdivision, San Antonio, Bexar County, Texas, recorded in Volume 368, Page 177, of the Deed and Plat Records of Bexar County Texas, and being more particularly described by Attachment I affixed hereto and incorporated herein by reference for all purposes.

SECTION 2. The City Manager, through the City Attorney, is hereby authorized and directed to prosecute to conclusion all necessary proceedings to condemn such property as the City of San Antonio is unable to acquire through negotiation by reason of its inability to agree with the owner thereof as to the value of such property, or for any reason, and to take any other legal action deemed necessary by the City Attorney to accomplish these purposes.

SECTION 3. The prior actions and efforts of City officials to negotiate the purchase of the necessary rights and the steps taken to initiate and prosecute condemnation of the property are hereby ratified and affirmed.

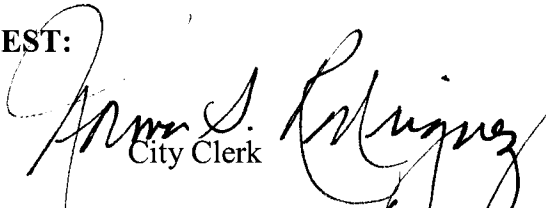
SECTION 4. This ordinance shall be effective on and after the tenth (10th) day after passage hereof.

PASSED AND APPROVED this 24th day of October, 2002.

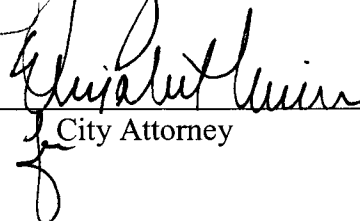

MAYOR

EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney